

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Blutworth, State Attorney
Max Rudmann, Asst. Attorney General
Captain Cook, Sheriff's Dept. -Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
N/A, Assistant County Attorney
Patty Young -4th District Court of Appeals
Law Library
County Library
John Lower, PZ&B

DATE: May 7, 1985

FROM: John W. Dame, Chief Deputy Clerk
- Joe Bergeron, Internal Auditor's Office
- Judy Hemberger, Finance
- Reta Conn, Finance
- Denise Smyth, Finance
- Chris Wilson, Finance
- Frank Robinson, "

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 85-10

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE
NO.79-7, AS AMENDED BY ORDINANCE NO.81-4, AND
ORDINANCE No.85-3, KNOWN AS THE "FAIR SHARE
CONTRIBUTION FOR ROAD IMPROVEMENTS ORDINANCE", BY
DELETING SECTION II. H. REGARDING TECHNICAL DATA
FINDINGS AND CONCLUSIONS; BY PROVIDING ADDITIONAL
DEFINITIONS; BY PROVIDING A NEW FEE SCHEDULE; BY
AMENDING SECTION III, TIME OF PAYMENT; BY ADDING A
NEW SECTION VII, COLLECTION AND ENFORCEMENT
PROCEDURES FOR UNCOLLECTED FAIR SHARE FEES; AND BY
DELETING THE SUNSET PROVISION; PROVIDING FOR LIBERAL
CONSTRUCTION, SEVERABILITY AND PENALTY; INCLUSION IN
THE CODE; REPEAL OF LAWS IN CONFLICT; AND AN
EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach
County. This Ordinance has been filed with Florida Department of State
and forwarded to Municipal Code Corporation for codification. The
effective date is May 1, 1985.

Signed

Lorie Clinger
Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office
and we will be happy to provide a copy.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
2 PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE
3 NO.79-7, AS AMENDED BY ORDINANCE NO.81-4, AND
4 ORDINANCE No.85-3, KNOWN AS THE "FAIR SHARE
5 CONTRIBUTION FOR ROAD IMPROVEMENTS ORDINANCE", BY
6 DELETING SECTION II. H. REGARDING TECHNICAL DATA
7 FINDINGS AND CONCLUSIONS; BY PROVIDING ADDITIONAL
8 DEFINITIONS; BY PROVIDING A NEW FEE SCHEDULE; BY
9 AMENDING SECTION III, TIME OF PAYMENT; BY ADDING A
10 NEW SECTION VII, COLLECTION AND ENFORCEMENT
11 PROCEDURES FOR UNCOLLECTED FAIR SHARE FEES; AND BY
12 DELETING THE SUNSET PROVISION; PROVIDING FOR LIBERAL
13 CONSTRUCTION, SEVERABILITY AND PENALTY; INCLUSION IN
14 THE CODE; REPEAL OF LAWS IN CONFLICT; AND AN
15 EFFECTIVE DATE.

16 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
17 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that Ordinance No. 79-7, as
18 amended by Ordinance No. 81-4, and Ordinance No. 85-3, known as the "Fair
19 Share Contribution for Road Improvements Ordinance" is amended as follows:

20 SECTION I. Short Title, Authority and Applicability.

21 A. This ordinance shall be known and may be cited as the "Fair
22 Share Contribution for Road Improvement Ordinance."

23 B. The Board of County Commissioners has authority to adopt
24 this ordinance through general ~~non~~-charter county home rule powers
25 pursuant to Article VIII of the 1968 Florida Constitution, and Chapters
26 125 and 163 Florida Statutes.

27 C. Increasing the capacity of arterial and other roads to make
28 them safe and more efficient, in coordination with a plan for the control
29 of traffic, is the recognized responsibility of the County through
30 Section 125.01(m) Florida Statutes, and is in the best interest of the
31 public's health, safety, and welfare.

32 D. Planning for the necessary expansion of new roads and
33 roadway improvements created by new land development activity generating
34 traffic through the comprehensive planning process, and the

1 implementation of these plans, is a mandatory responsibility of the
2 County through Section 163.3161 et seq., Florida Statutes, and is in the
3 best interest of the public's health, safety, and welfare.

4 E. This ordinance shall apply to the unincorporated areas of
5 Palm Beach county, and to the incorporated areas of Palm Beach County to
6 the extent permitted by Article VIII, Section 1(f) of the 1968 Florida
7 Constitution.

8 SECTION II. Intent and Purpose.

9 A. The Board of County Commissioners has determined and
10 recognized through adoption of the 1980 Palm Beach County Comprehensive
11 Plan that the phenomenal growth rate which the County is experiencing
12 will necessitate extensive road network improvements and make it
13 necessary to regulate new land development activity generating traffic in
14 order to maintain a similar level of road service and quality of life in
15 Palm Beach County. In order to finance the necessary new capital
16 improvements and regulate traffic generation levels, several combined
17 methods of financing will be necessary, one of which will require new
18 land development activity generating traffic to pay a "Fair Share Fee"
19 which does not exceed a pro rata share of the reasonably anticipated
20 expansion costs of new roads and other facilities.

21 B. Providing and regulating arterial and other roads and
22 related facilities to make them more safe and efficient, in coordination
23 with a plan for the control of traffic is the recognized responsibility
24 of the County through Section 125.01(m), Florida Statutes, and is in the
25 best interest of the public's health, safety, and welfare.

26 C. Implementing a regulatory scheme that requires new land
27 development activity generating traffic to pay a "Fair Share Fee" that
28 does not exceed a pro rata share of the reasonably anticipated expansion
29 costs of new roads created by the new land development activity, is the
30 responsibility of the County in order to carry out the traffic
31 circulation element of its Comprehensive Plan, under Section 163.3161 et
32 seq., Florida Statutes, and is in the best interest of the public's
33 health, safety, and welfare.

34 D. It is the purpose of this ordinance to establish a
35 regulatory system to assist in providing increased capacity for the major
36 road network system to accommodate the increased demand new land

1 development activity generating traffic will have on the road system.
2 New land development activity will be required to pay a fee which does
3 not exceed a pro rata share of the reasonably anticipated costs of new
4 roads and other facilities that its presence necessitates. This is
5 accomplished by requiring payment of Fair Share Fees upon commencement of
6 any new land development activity generating traffic. This road impact
7 fee is for the exclusive purpose of providing increased capacity for the
8 major road network system.

9 E. It is in the interest of the public's health, safety,
10 welfare and convenience for the County to regulate land development,
11 arterial and other roads and other related facilities by requiring
12 payment of Fair Share Fees upon commencement of any new land development
13 activity generating traffic.

14 F. Under the adopted Comprehensive Plan, new development at
15 urban densities can be permitted only where an adequate road network
16 system exists. The purpose of this ordinance is to continue to enable
17 Palm Beach County to allow new development in compliance with the adopted
18 Comprehensive Plan, and to regulate new development activity generating
19 traffic so as to require it to share in the burdens of growth by paying
20 its pro rata share for the reasonably anticipated expansion costs of road
21 improvements. Thus, new growth will help pay for itself, and the
22 existing residents of Palm Beach County will not have the full financial
23 burden of providing increased road capacity at the onset.

24 G. It is not the purpose of this ordinance to collect any
25 money from new land development activity generating traffic in excess of
26 the actual amount necessary to offset the demand on the major road
27 network system generated by the new land development activity. It is
28 specifically acknowledged that this ordinance has approached the problem
29 of determining the "Fair Share Fee" in a conservative and reasonable
30 manner. This ordinance will only partially recoup the governmental
31 expenditures associated with growth. Established residents will still be
32 required to bear their appropriate share of the cost of the road network
33 system.

34 H. The Technical Data, Findings and Conclusions herein are
35 based on the Palm Beach County 1980 Comprehensive Plan and in part on
36 the following studies and reports:

1 Report on the proposed Palm Beach County Fair Share
2 Contribution for Road Improvements Ordinance -- August 10, 1978,
3 revised September 8, 1978 by Palm Beach County Engineering, Planning
4 and Legal Staffs. Economic Aspects of the Proposed Palm Beach County
5 Road Impact Fee Ordinance -- January 2, 1979 by Joint Center for
6 Environmental and Urban Problems Fla. International University
7 and Florida Atlantic University; West Palm Beach Urban Area
8 Transportation Study Plan Reevaluation (Year 2000 Study) -- May 17,
9 1979 -- by Peat, Marwick & Mitchell Company; Update Study of Vehicular
10 Traffic Generation Characteristics in Palm Beach County -- Jan. 1975
11 by Kimley-Horn & Associates; Trip Generation & Information Report --
12 1976 by Institute of Transportation Engineers; Trip Ends Generation
13 Research 1979 by State of Fla. D.O.T., Division of Transportation
14 Planning.

15 SECTION III. Rules of Construction.

16 For the purposes of administration and enforcement of this
17 ordinance, unless otherwise stated in this ordinance, the following rules
18 of construction shall apply to the text of this ordinance:

19 (1) In case of any difference of meaning or implication
20 between the text of this ordinance and any caption, illustration, summary
21 table, or illustrative table, the text shall control.

22 (2) The word "shall" is always mandatory and not
23 discretionary; the word "may" is permissive.

24 (3) Words used in the present tense shall include the future;
25 and words used in the singular number shall include the plural, and the
26 plural the singular, unless the context clearly indicates the contrary.

27 (4) The phrase "used for" includes "arranged for", "designed
28 for", "maintained for" or "occupied for."

29 (5) The word "person" includes an individual, a corporation, a
30 partnership, an incorporated association, or any other similar entity.

31 (6) Unless the context clearly indicates the contrary, where a
32 regulation involves two (2) or more items, conditions, provisions, or
33 events connected by the conjunction "and", "or" or "either ... or", the
34 conjunction shall be interpreted as follows:

35 (a) "And" indicates that all the connected terms,
36 conditions, provisions or events shall apply.

1 (b) "Or" indicates that the connected items, conditions,
2 provisions or events may apply singly or in any combination.

3 (c) "Either ... or" indicates that the connected items,
4 conditions, provisions or events shall apply singly but not in
5 combination.

6 (7) The word "includes" shall limit a term to the specific
7 example but is intended to extend its meaning to all other instances or
8 circumstances of like kind or character.

9 (8) Where a road right of way is used to define zone
10 boundaries, that portion of the road right of way demarcating the
11 boundary may be considered as part of any zone it bounds.

12 SECTION IV. Definitions.

13 A. Accessory Building or Structure: A detached, subordinate
14 building, the use of which is clearly incidental and related to that of
15 the principal building or use of the land and which is located on the
16 same lot as that of the principal building or use.

17 B. Applicant: The person who applies for a building permit.

18 ~~B.~~ C. Arterial Road: A road which is a main traffic artery
19 carrying relatively high traffic volumes for relatively long distances.
20 This classification includes all roads which function above the level of
21 a collector road.

22 D. Average trip length: the average length in miles of
23 external trips.

24 E. ~~G.~~ Building: Any structure, either temporary or permanent,
25 having a roof and used or built for the enclosure or shelter of persons,
26 animals, vehicles, goods, merchandise, equipment, materials or property
27 of any kind. This term shall include tents, trailers, mobile homes, or
28 any vehicles serving in any way the function of a building.

29 F. ~~D.~~ Building Permit: An official document or certificate
30 issued by the authority having jurisdiction, authorizing the
31 construction or any building. The term shall also include tie-down
32 permits for those structures or buildings that do not require a building
33 permit, such as a mobile home, in order to be occupied.

34 G. Building Permittee: An applicant who has been issued a
35 building permit.

1 H. E- Capacity: The maximum number of vehicles for a given
2 time period which a road can safely and efficiently carry; usually
3 expressed in terms of vehicles per day. For the purposes of this
4 ordinance the capacity of a road shall be ~~6000~~ 7000 vehicles per day
5 per through lane.

6 I. F- Collector Road: A road which carries traffic from local
7 roads to arterial roads. Collector roads have more continuity, carry
8 higher traffic volumes, and may provide less access than local roads.

9 J. G- Collecting Agency: The governmental authority having
10 jurisdiction to authorize the making of any material change of any
11 structure including the construction, enlargement, alteration or repair
12 of buildings, or the governmental authority having jurisdiction to
13 authorize rezoning or special exceptions that make material changes in
14 the use or appearance of land without making material changes of any
15 structures on the land.

16 K. H- Dwelling Unit: Dwelling Unit shall have the meaning
17 defined in §200.2 of the Zoning Code.

18 L. H- External Trip: Any trip which either has its origins
19 from or its destination to the development site and which impacts the
20 major road network system.

21 M. J- Fair Share Fee; Road Impact Fee; or Fee: The fee
22 required to be paid in accordance with this ordinance.

23 N. K- Internal Trip: A trip which has both its origin and
24 destination within the development site.

25 O. L- Land Development Activity Generating Traffic: The
26 carrying out of any building activity or the making of any material
27 change in the use or appearance of any structure or land that attracts or
28 produces vehicular trip(s) over and above that produced by the existing
29 use of the land.

30 P. M- Local Road: A road designed and maintained primarily
31 to provide access to abutting property. A local road is of limited
32 continuity and is not for through traffic.

33 Q. N- Major Road Network System: All arterial and collector
34 roads within Palm Beach County, including new arterial and collector
35 roads necessitated by land developments.

1 R. ~~Θ~~ Non-commencement: The cancellation of construction
2 activity making a material change in a structure, or the cancellation of
3 any other land development activity making a material change in the use
4 or appearance of land.

5 S. ~~P~~ Planned Development: A land area under unified control
6 designed and planned to be developed in a single operation by a series of
7 prescheduled development phases according to an officially approved final
8 Master Land Use Plan, including Planned Unit Developments, Planned
9 Commercial Developments and similar planned developments.

10 T. ~~Q~~ Site Related Improvements: Road construction or road
11 improvements at or near the development site which are necessary to
12 interface the development's external trips with the major road network
13 system or which are necessary to interface the development's internal
14 trips with the major road network system where a portion of the major
15 road network system is included within the development.

16 U. Square Foot: As referred to in the Fee Schedule, Section
17 V.C.3, means total square footage under roof.

18 V. ~~R~~ Traffic Impact Analysis: A study prepared by a
19 qualified professional engineer, licensed to practice within the State of
20 Florida, to determine the vehicular impact of the development upon the
21 major road network system. This study includes, but is not limited to:
22 determination of trip generation; trip distribution; traffic assignment;
23 capacity analyses; and, improvements to the roadway system necessitated
24 by the development, such as required new roads, additional laneage and
25 signalization.

26 W. ~~S~~ Trip: A one-way movement of vehicular travel from an
27 origin (one trip end) to a destination (the other trip end). For the
28 purposes of this ordinance, trip shall have the meaning which it has in
29 commonly accepted traffic engineering practice and which is substantially
30 the same as that definition in the previous sentence.

31 X. ~~T~~ Trip Generation: The attraction or production of trips
32 caused by a given type of land development.

33 Y. ~~U~~ Traffic Generation Statement: A documentation of
34 proposed trip generation rates submitted prior to and as a part of a
35 traffic impact analysis. This documentation would include actual traffic
36 generation information from a representative sampling of existing similar
37 developments.

1 Z. ~~V.~~ Zone: Those geographical areas as identified on the
2 attached Exhibit "A".

3 SECTION V. Fair Share Fee to be Imposed on New Land
4 Development Activity Generating Traffic Review

5 A. It has been determined by the Board of County Commissioners
6 that any new land development activity generating traffic in the County
7 should be charged a reasonable "Fair Share Fee" to help regulate new land
8 development activity's effect on roads and related facilities.

9 B. After the effective date of this ordinance, the applicant
10 shall pay a Fair Share Fee in the amount and manner required by this
11 ordinance upon commencement of any new land development activity
12 generating traffic. The Fair Share Fee shall be used exclusively within
13 the zone in which the development is located for the exclusive purposes
14 set forth in this ordinance.

15 C. The Fair Share Fee shall be determined by using the
16 following methods:

17 1. Independent Calculation: Any person may determine his
18 Fair Share Fee by providing traffic and economic documentation that his
19 economic impact on the major road network system is less than the Fair
20 Share Fee as determined under subparagraphs C2, 3 and 4 below. The
21 documentation submitted shall show the basis upon which the Fair Share
22 fee has been calculated, including but not limited to the following
23 factors:

24 (a) Documentation of trip generation rates as
25 appropriate for the proposed land development activity.

26 (b) Basis for trip distribution and traffic
27 assignment.

28 (c) Estimates of the cost to replace the portion of
29 the design capacity used by the traffic generated by the proposed land
30 development activity on each of the affected roads (this cost shall
31 include consideration of a reasonable inflation rate, right-of-way costs,
32 plans preparation costs and other ~~cost~~ costs which may reasonably be
33 expected for the necessary road improvements.

34 (d) Tax revenues derived from the proposed land
35 development activity which can reasonably be projected to be available
36 for these capacity replacement costs.

1 (e) The amount of any shortfall of these projected
2 revenues when compared to the required capacity replacement costs.

3 This documentation shall be prepared and presented by qualified
4 professionals in the respective fields and must be based on studies,
5 surveys, and reports using standard practices and accepted methodological
6 procedures. The mathematical assumptions, formulas and generation rates
7 used in this ordinance shall not be used as a basis without independent
8 documentation.

9 2. Fair Share Formula(s):

10 (a) The following Fair Share Formula(s) may be used for
11 those planned developments for which a traffic impact analysis has been
12 prepared for the purposes of determining the external trips imposed by
13 the development on the major road network system. The official Daily
14 Trip Generation Rate as shown in subparagraph C.3.(a) and (b) shall be
15 used as the basis for calculating the total external trips for a planned
16 development. The County Engineer shall review the traffic impact
17 analysis and determine the Fair Share Fee to be paid in accordance with
18 the formula(s) established in C.2.(b). Any applicant may challenge the
19 County Engineer's determination of the fee by filing a petition with the
20 Board of County Commissioners to determine the appropriate Fair Share Fee
21 within sixty (60) days of the determination by the County Engineer.

22 (b) The cost to construct one (1) lane of roadway for one
23 (1) mile shall be ~~Three Hundred Thousand Dollars (\$300,000.00)~~ Three
24 Hundred Seventy Five Thousand Dollars (\$375,000.00) and the cost to
25 construct one (1) lane of roadway for ~~one half (1/2) mile~~ three (3)
26 miles shall be ~~One Hundred Fifty Thousand (\$150,000.00)~~ One Million One
27 Hundred Twenty Five Thousand Dollars (\$1,125,000.00).

28 Residential:

29
$$\frac{\text{External Trips} \div 2^*}{\text{Capacity of 1 lane}} \times (\text{Cost to construct 1 lane for } \frac{1}{2} \text{ mile } \underline{3 \text{ miles}}) =$$

30
31 Fair Share Fee

32 *Given a 50/50 directional split.

33 Non-Residential:

34
$$\frac{\text{External Trips} \div 2^*}{\text{Capacity of 1 lane}} \times (\text{Cost to construct 1 lane for } \frac{1}{2} \text{ } \underline{1 \text{ mile}}) =$$

35
36 Fair Share Fee

37 *Given a 50/50 directional split.

38 3. Fee Schedule: The following fee schedule is presented for
39 those developments for which a traffic impact analysis has not been

prepared. The following fees have been calculated using the formula(s) presented in paragraph C.2.(b) using accepted trip generation rates for each land use as observed in Palm Beach County or trip generation rates based upon acceptable state and national averages. For the convenience of the public the fees which are based on trip generation have been converted to a dollar amount and based on dwelling unit, building square footage, bed, parking space, or room depending upon the particular land use.

a. Residential:

<u>Type of Land Development Activity</u>	<u>Official Daily Trip Generation Rate</u>	<u>Fee</u>
Single Family House	12 per dwelling unit	\$300 per unit
Multi-family/Townhouse Dwelling	8 per dwelling unit	\$200 per unit
Mobile Home	7 per dwelling unit	\$175 per unit

b. Non-Residential:

<u>Type of Land Development Activity</u>	<u>Official Daily Trip Generation Rate</u>	<u>Fee</u>
General-Office-Building	20-per-1000-sq.-ft.	\$ 250-per-1000-sq.-ft.
Office-Building,-Medical	75-per-1000-sq.-ft.	.937-per-1000-sq.-ft.
Hospital	15-per-bed	187-per-bed
Nursing-Home	3-per-bed	.37-per-bed
General-Commercial	100-per-1000-sq.-ft.	1,250-per-1000-sq.-ft.
Warehouse	5-per-1000-sq.-ft.	62-per-1000-sq.-ft.
Motel	15-per-room	187-per-room
General-Recreational	3-per-parking-space	37-per-parking-space
<u>Shopping-Centers:</u>		
<u>(Square-Footage)</u>	<u>(Fee)</u>	<u>(Rate-of-Fee-per) sq.-ft.</u>
20,000-sq.-ft.	\$25,000	(\$1.25/sq.-ft.)
40,000-sq.-ft.	\$50,000	(\$1.25/sq.-ft.)
60,000-sq.-ft.	\$75,000	(\$1.25/sq.-ft.)
80,000-sq.-ft.	\$100,000	(\$1.25/sq.-ft.)
100,000-sq.-ft.	\$106,475	(\$1.06/sq.-ft.)
150,000-sq.-ft.	\$122,650	(\$0.82/sq.-ft.)
200,000-sq.-ft.	\$138,829	(\$0.69/sq.-ft.)
250,000-sq.-ft.	\$155,008	(\$0.62/sq.-ft.)
300,000-sq.-ft.	\$171,186	(\$0.57/sq.-ft.)
350,000-sq.-ft.	\$187,365	(\$0.54/sq.-ft.)
400,000-sq.-ft.	\$203,544	(\$0.51/sq.-ft.)
450,000-sq.-ft.	\$219,723	(\$0.49/sq.-ft.)

1	500,000-sq.-ft.	\$235,902	(\$0.47/sq.-ft.)
2	600,000-sq.-ft.	\$268,259	(\$0.45/sq.-ft.)
3	700,000-sq.-ft.	\$300,616	(\$0.43/sq.-ft.)
4	800,000-sq.-ft.	\$332,974	(\$0.42/sq.-ft.)
5	900,000-sq.-ft.	\$365,332	(\$0.41/sq.-ft.)
6	1,000,000-sq.-ft.	\$397,689	(\$0.40/sq.-ft.)
7	1,250,000-sq.-ft.	\$478,583	(\$0.38/sq.-ft.)
8	1,500,000-sq.-ft.	\$559,476	(\$0.37/sq.-ft.)

9	General-Industrial	6-per-1000-sq.-ft.	75-per-1000-sq.-ft.
---	--------------------	--------------------	---------------------

11 A. Residential:

12	Type of Land	Official Daily Trip	
13	Development Activity	Generation Rate	Fee
14	Single Family Under 2000 sq. ft.	10 per dwelling unit	\$ 804 per unit
15	Single Family Over 2000 sq. ft.	13 per dwelling unit	\$1,045 per unit
16	Multi Family	7 per dwelling unit	562 per unit
17	Condominium-Retirement	4 per dwelling unit	321 per unit
18	Mobile Home	5 per dwelling unit	402 per unit

22 B. Non-Residential:

23	Type of Land	Official Daily Trip	
24	Development Activity	Generation Rate	Fee
25	General Office:		
26	Less than or = to 100,000 sq. ft.	18 per 1000 sq. ft.	\$ 482 per 1000 sq.ft.
27	100,001 - 125,000 sq. ft.	16.6 per 1000 sq. ft.	\$ 445 per 1000 sq. ft.
28	125,001 - 150,000 sq. ft.	15.2 per 1000 sq.ft.	\$ 407 per 1000 sq. ft.
29	150,001 - 175,000 sq. ft.	13.8 per 1000 sq. ft.	\$ 370 per 1000 sq. ft.
30	175,001 - 199,999 sq. ft.	12.4 per 1000 sq. ft.	\$ 332 per 1000 sq. ft.
31	Greater than 200,000 sq. ft.	11 per 1000 sq. ft.	\$ 295 per 1000 sq. ft.
32	Office Building, Medical	55 per 1000 sq. ft.	\$1,473 per 1000 sq. ft.
33	Hospital	15 per bed	\$ 402 per bed
34	Nursing Home	3 per bed	80 per bed
35	Warehouse 1000 sq. ft.	5 per 1000 sq. ft.	\$ 134. per 1000 sq. ft.
36	Motel (Room)	14 per room	\$ 375 per room
37	General Recreation	3 per parking spc.	\$ 80 per parking spc.
38	General Industrial 1000 sq. ft.	6 per 1000 sq. ft.	\$ 161 per 1000 sq. ft.
39	General Commercial (Retail)		
40	Less than or = to 80,000 sq. ft.	100 per 1000 sq. ft.	\$2,679 per 1000 sq. ft.

1 More than 80,000 sq. ft.
2 Total Trip Generation=(25.886)(A-80)+8000
3 (Where A = Sq. Ft. in 1000's)

4 Examples:

5	<u>100,000 sq. ft.</u>	<u>85.18 per 1000 sq. ft.</u>	<u>\$2,282 per 1000 sq ft.</u>
6	<u>150,000 sq. ft.</u>	<u>65.41 per 1000 sq. ft.</u>	<u>\$1,752 per 1000 sq.ft.</u>
7	<u>200,000 sq. ft.</u>	<u>55.53 per 1000 sq. ft.</u>	<u>\$1,487 per 1000 sq.ft.</u>
8	<u>300,000 sq. ft.</u>	<u>45.65 per 1000 sq. ft.</u>	<u>\$1,223 per 1000 sq.ft.</u>
9	<u>400,000 sq. ft.</u>	<u>40.71 per 1000 sq. ft.</u>	<u>\$1,090 per 1000 sq.ft.</u>
10	<u>500,000 sq. ft.</u>	<u>37.74 per 1000 sq. ft.</u>	<u>\$1,011 per 1000 sq.ft.</u>
11	.	.	.
12	.	.	.
13	.	.	.
14	<u>1,500,000 sq. ft.</u>	<u>29.84 per 1000 sq. ft.</u>	<u>\$ 799 per 1000 sq.ft.</u>

15 4. Other Land Development Activity: For new land development activity
16 not electing to proceed under subparagraph C.1. above, and where the
17 County Engineer has determined that the development is not covered by
18 subparagraphs C.2 and 3. above, the appropriate traffic generation rate
19 and thus the fee to be paid in accordance with this ordinance shall be
20 determined by the County Engineer. The County Engineer shall rely on the
21 best available traffic generation data and traffic literature, and shall
22 compute the fee in accordance with C.2.(b). The applicant may challenge
23 the County Engineer's determination provided he submits to the County
24 Engineer's office a traffic generation statement prepared by a qualified
25 Professional Engineer who is licensed to practice in the State of
26 Florida. If the County Engineer's Office rejects this proposed
27 generation rate, then the applicant may petition the Board of County
28 Commissioners to determine the appropriate Fair Share Fee within sixty
29 (60) days of the rejection of the proposed generation rate by the County
30 Engineer.

31 D. Review. The amount of the Fair Share Fee shall be reviewed
32 by the Board of County Commissioners in January, ~~1984~~ 1987; and
33 thereafter the amount of the Fair Share Fee shall be reviewed annually
34 during the month of January by the Board of County Commissioners. The
35 review shall consider trip generation rates, and actual construction
36 costs for work contracted for by the County and the Florida Department of
37 Transportation within Palm Beach County. The purpose of this review is
38 to analyze the effects of inflation on the actual costs of roadway
39 construction and to insure the fee charged new land development activity

1 generating traffic will not exceed their pro rata share for the
2 reasonably anticipated expansion costs of road improvements necessitated
3 solely by their presence.

4 SECTION VI. Time of Payment.

5 A. The Fair Share Fee shall be due on commencement of any new
6 land development activity generating traffic. Building permittees who
7 were previously issued a building permit but have not paid the required
8 impact fee, shall pay said fee as provided for in Section VII. In the
9 event any Fair Share Fee monies owing to the County are not paid by said
10 building permittees within the time period provided for in
11 subparagraph D E.2. of Section VII, the difference between the Fair
12 Share Fee amount originally owed and the Fair Share Fee amount charged
13 for comparable new land development activity generating traffic under
14 Section V of this ordinance, together with the costs of serving such
15 notice and all subsequent costs of collection shall be deemed to be, and
16 shall be treated as, an additional fee due and owing the County. All
17 funds collected shall be properly identified by zone and promptly
18 transferred to the Palm Beach County Comptroller's Office for deposit
19 deposited in the appropriate trust fund to be held in separate accounts
20 as determined in Section VIII IX of this ordinance and used solely for
21 the purpose as established by this ordinance..

22 B. The collecting Agency shall be entitled to retain two
23 percent (2%) of the total funds collected to offset the costs associated
24 with collection of these funds.

25 G. Building permittees who have previously been issued
26 a building permit without having made payment prior to the commencement
27 of land development activity generating traffic but have not paid the
28 required impact fee shall pay said fee as provided for in Section VII.
29 In the event any Fair Share Fee monies owing to the County are not paid
30 by said building permittees within the time period agreed upon by said
31 building permittees under an agreement made as provided for in paragraph
32 6 of Section VII or within the time period provided for in paragraph
33 E-2 of Section VII, the difference between the Fair Share Fee amount
34 originally owed and the Fair Share Fee amount charged for comparable

1 new land development activity generating traffic under any existing
2 Ordinance in effect as of June 15, 1985, together with the costs
3 of serving notice and all subsequent costs of collection shall be
4 deemed to be treated as an additional fee due and owing the County.

5 SECTION VII. Collection and Enforcement Procedures for
6 Uncollected Fair Share Fees

7 A. Applicability.

8 1. This section establishes collection and
9 enforcement procedures for uncollected Fair Share Fees required to be
10 paid by building permittees who were previously issued a building
11 permit without having made payment prior to the commencement of new-land
12 development activity generating traffic but have not paid the required
13 impact fee.

14 B. Cumulative Remedy; No Waiver.

15 1. The enforcement procedures set forth in this section
16 shall be cumulative with, supplemental to and in addition to, any
17 applicable procedures provided in any administrative regulations or
18 provisions of the County, any other provision of the Code of
19 Laws and Ordinances of Palm Beach County, or any State Law.
20 To the extent that procedures and remedies provided in this
21 Section and in any administrative regulations or provisions of the
22 County, and state law are not inconsistent, they may be enforced
23 simultaneously.

24 2. Where the procedures established in this section are
25 inconsistent with procedures established by any administrative
26 regulations or provisions of the County, other provisions of the Code of
27 Laws and Ordinances of Palm Beach County, or State law, the County may,
28 unless limited by law, elect which procedure it will employ, based solely
29 on a criterion of selecting the most efficient and effective procedure,
30 considering the facts and circumstances as involved in each particular
31 case.

32 3. The failure of the County to follow the procedure in
33 this section shall not constitute a waiver of its rights to proceed under
34 administrative regulations and provisions of the County, other provisions
35 of the Code of Laws and Ordinances of Palm Beach County or applicable
36 State law.

1 C. Agreements for Fee Payments.

2 Building permittees who were previously issued a building
3 permit ~~without having made payment prior to the commencement of land~~
4 ~~development activity generating traffic~~ but have not paid the required
5 impact fee, shall pay said fee to the County Finance Department. Said
6 building permittees may, by written agreement with the County Finance
7 Department as approved by the County Attorney, pay said fee in quarterly
8 installments for a period of up to two (2) years. On all fees paid by
9 ~~April 15~~, October 1, 1985, interest shall not be charged, but on any fees
10 or portions of fees paid thereafter, the fee payer shall pay an interest
11 charge of 10% (ten percent) per year of the fee unpaid balance owing,
12 along with the fee or portion of the fee paid. Said installment
13 payments shall be due and payable on January 1, April 1, July 1, and
14 October 1. If a building permittee, who is also the present owner of the
15 property upon which land development activity generating traffic has been
16 permitted, is delinquent thirty (30) days or more in his installment
17 payment the County may institute the lien procedure as provided for in
18 Section VII-G.

19 D. First Notice.

20 If the Fair Share Fee owed to the County has not been
21 received by ~~April 15~~, August 1, 1985, or if an agreement has not been
22 made under paragraph C of this section, the director of the Finance
23 Department shall serve a "First Notice" upon the building permittees
24 owing said fees, by certified mail, return receipt requested. Service is
25 effective on the date the return receipt indicates the notice was
26 received. Said notice shall advise the building permittee that it is the
27 "First Notice" pursuant to this section, shall state the amount due and
28 for what it is owed, and shall also advise the building permittee that by
29 written agreement with the County he may pay said fee in quarterly
30 installments for a period of up to two (2) years as provided in Section
31 VII-C. Said notice shall also advise the building permittee that if the
32 total Fair Share Fee amount owed is not received within sixty (60) days,
33 the amount owed will be increased to reflect the difference between
34 the Fair Share Fee originally owed and the Fair Share Fee amount required

1 for comparable new land development activity under any existing
 2 Ordinance effective as of June 15, 1985 accrual of interest at 10% (ten
 3 percent) per year of the fee amount owed until paid. Said notice shall
 4 also advise the building permittee that if the total Fair Share Fee
 5 amount owed is not received by January 2, 1986, the amount owed will be
 6 increased to reflect the difference between the Fair Share Fee
 7 originally owed and the Fair Share Fee amount charged for comparable new
 8 activity generating traffic under Section V of this ordinance, together
 9 with the costs of serving such notice and all subsequent costs of
 10 collection. Said notice shall also advise the building permittee of
 11 procedures for requesting hearing and an appeal concerning the billing or
 12 Fair Share Fee owed.

13 E. Second Notice; Additional Fee.

14 1. If any monies which were the subject of said First
 15 Notice have not been received by the County Finance Department by June
 16 15, December 2, 1985, the County Finance department shall serve a "Second
 17 Notice" upon the building permittee by certified mail, return receipt
 18 requested. Notice shall also be sent by certified mail, return receipt
 19 requested, to the owner of the parcel, who shall be presumed to be the
 20 present owner of the land development activity generating traffic as that
 21 owner is shown on the County tax rolls. Service shall be effective on
 22 the date the return receipt indicates notice was received. Said notices
 23 shall advise the building permittee and present owner that it is the
 24 "Second Notice" under this section, shall state the amount due and for
 25 what it is owed, and shall also advise the building permittee that by
 26 written agreement with the County he may pay said fee in quarterly
 27 installments for a period of up to 2 years as provided in Section VII C,
 28 and shall indicate where a copy of this Ordinance may be obtained. Said
 29 notices shall also advise the permittee and present owner of the
 30 procedures for requesting a hearing and appeal concerning the billing or
 31 Fair Share Fee owed.

32 2. In the event any Fair Share Fee monies owing to the County
 33 are not paid within 30 days following service of the Second Notice
 34 pursuant to subparagraph E.1., and an agreement has not been made as
 35 provided under paragraph C., the difference between the Fair Share Fee
 36 amount originally ~~owing~~ owed and the Fair Share Fee amount charged for

1 comparable new land development activity generating traffic under ~~any~~
2 ~~existing Ordinance in effect as June 15, 1985~~ Section V of this
3 ordinance, together with the costs of serving notice and all subsequent
4 costs of collection shall be deemed to be, and shall be treated as, an
5 additional fee due and owing the County.

6 F. Hearing and Appeal Procedures.

7 1. ~~At any time~~ Within fifteen (15) days after receiving a
8 notice pursuant to paragraph D. or subparagraph E.1. of this Section, the
9 building permittee affected or the present owner of the land development
10 activity generating traffic may request a hearing from the County
11 Engineer regarding the billing or Fair Share Fee owed and the dispute
12 concerning it. After receiving a written request, the County Engineer
13 shall schedule a hearing and provide the affected building permittee or
14 present owner reasonable advanced written notice, by certified mail, of
15 the time and place of the hearing. If the building permittee requesting
16 the hearing is not the present owner of the land development activity
17 generating traffic, notice of the hearing shall also be provided to the
18 present owner. The County Engineer shall conduct the hearing, or may
19 designate another person who is a current County employee to conduct the
20 hearing.

21 2. The hearing shall be designed to obtain all information
22 and evidence relevant to the billing or Fair Share Fee owed, and the
23 dispute concerning it. Formal rules of civil procedure and evidence need
24 not be complied with although the hearing should be run fairly, giving
25 each party an opportunity to be heard and to present evidence. After the
26 hearing the County Engineer, or his designee conducting the hearing,
27 shall make his determination in writing stating the reasons for his
28 decision regarding any matters in dispute. A copy of the written
29 determination shall be sent by certified mail, return receipt requested,
30 to the building permittee affected, the present owner, and the Finance
31 Department.

32 3. Upon receipt of the written determination from the County
33 Engineer or his designee conducting the hearing, and until thirty (30)
34 days thereafter, the building permittee affected or the present owner may
35 appeal the determination to the Board of County Commissioners. An appeal
36 shall be taken by written request for a hearing before the Board of
37 County Commissioners, which request shall enclose a copy of the written

1 determination of the County Engineer or his designee conducting the
2 hearing. On appeal, the Board of County Commissioners shall consider
3 only the evidence in the record of the hearing before the County Engineer
4 or his designee.

5 The appellant and the County Engineer or his designee
6 conducting the hearing shall be given an opportunity to be heard by the
7 Board of County Commissioners. The Board of County Commissioners shall
8 render ~~their~~ its decision within sixty (60) days of the hearing. If no
9 appeal is taken, payment shall be made within thirty (30) days of the
10 determination of the County Engineer. If an appeal is taken, any payment
11 due shall be made within thirty (30) days of the decision of the Board of
12 County Commissioners.

13 G. Imposition of Liens.

14 1. If, at the end of 60 (sixty) days after a Second
15 Notice is served pursuant to ~~sub~~paragraph E.1., no hearing has been
16 requested and any monies which were the subject of said Second Notice ~~has~~
17 have not been received, the County Attorney may file with the Clerk of
18 the Circuit Court in and for Palm Beach County, a statement of lien claim
19 against the property upon which land development activity generating
20 traffic has been permitted provided, however, that no such statement of
21 lien claim shall be filed against the property of a present owner who is
22 not the building permittee. For purposes of this section, the owner as
23 shown on the county tax rolls shall be presumed to be the present owner
24 of the land development activity generating traffic.

25 2. The statement of lien claim shall contain the legal
26 description of the property upon which land development activity
27 generating traffic has been permitted, the amount and due date of the
28 unpaid bill or fee, and a notice that the County claims a lien for this
29 amount and the amount of any additional fee due and owing the County
30 under subparagraph E.2.

31 3. If, at the end of thirty (30) days following a hearing
32 pursuant to ~~sub~~paragraphs F.1. and F.2. in which the affected permittee
33 who is also the present owner, is found to owe any monies, any monies
34 which were the subject of said hearing have not been received or no
35 appeal to the Board of County Commissioners has been taken, the County
36 Attorney shall file a statement of lien claim as described above.

1 4. Notice of the lien shall be mailed to the affected
2 permittee who is also the present owner. Once recorded the statement of
3 lien claim shall constitute a lien against the lands upon which land
4 development activity generating traffic has been permitted. The County
5 Attorney may collect, foreclose or otherwise enforce said lien by action
6 at law or suit in equity.

7 H. Notification of Construction Industry Licensing Board.

8 In the event that the building permittee failing to make
9 payment under this section is a contractor certified by the Palm Beach
10 County Construction Industry Licensing Board, the County Attorney shall
11 file ~~by October 1, 1985~~ on or about January 2, 1986 a verified written
12 complaint with said Board recommending appropriate disciplinary action as
13 is provided for in Chapter 67-1876, Laws of Florida, as amended. The
14 verified complaint shall contain a summary of the fees owed and the
15 County's efforts under this section to enforce the collection of the Fair
16 Share Fee owed.

17 ~~VII.~~ VIII. Use of Funds Collected.

18 A. The funds collected by reason of the establishment of a
19 road impact fee in accordance with this ordinance shall be used solely
20 for the purpose of constructing or improving roads, streets, highways,
21 and bridges on the major road network system including but not limited
22 to:

- 23 1. design and construction and plan preparation,
- 24 2. right of way acquisition,
- 25 3. construction of new through lanes,
- 26 4. construction of new turn lanes,
- 27 5. construction of new bridges,
- 28 6. construction of new drainage facilities in
- 29 conjunction with new roadway construction,
- 30 7. purchase and installation of traffic signalization,
- 31 8. construction of new curbs, medians and shoulders, and
- 32 9. relocating utilities to accommodate new roadway
- 33 construction.

34 All funds shall be used exclusively within the zones from which
35 they are collected. Said funds shall not be used to maintain the
36 existing major road network system.

1 SECTION ~~VIII~~. IX. Trust Funds Established.

2 A. There are hereby established forty (40) separate trust
3 funds, one for each zone as shown on Exhibit "A" attached hereto and
4 incorporated herein by reference.

5 B. Funds withdrawn from these accounts must be used solely in
6 accordance with the provisions of Section ~~VII~~ VIII of this ordinance and
7 in compliance with the 1980 Palm Beach County Comprehensive Plan. The
8 disbursement of such funds shall require the approval of the Board of County
9 Commissioners, after recommendation of the County Engineer.

10 C. Any funds on deposit not immediately necessary for
11 expenditure shall be invested in interest bearing sources. All income
12 derived shall be deposited in the applicable trust account.

13 D. The fees collected pursuant to this ordinance may be
14 returned to the then present owner of the land development activity
15 generating traffic if the fees have not been spent (encumbered) within a
16 reasonable time, but not later than by the end of the calendar quarter
17 immediately following six (6) years from the date the fees were paid.
18 Refunds shall be made in accordance with the following procedure: 1. The
19 present owner must petition the Board of County Commissioners for the
20 refund within one (1) year following the end of the sixth (6) year from
21 the date on which the fee was paid.

22 2. The petition must be submitted to the County Engineer
23 and must contain:

24 (a) a notarized sworn statement that the petitioner is
25 the current owner of the property;

26 (b) a copy of the dated receipt issued for payment of
27 the fee;

28 (c) a certified copy of the latest recorded deed; and

29 (d) a copy of the most recent ad valorem tax bill.

30 3. Within three (3) months from the date of receipt of a
31 petition for refund the County Engineer will advise the petitioner and
32 the Board of County Commissioners of the status of the fee requested for
33 refund. For the purposes of this section, fees collected shall be deemed
34 to be spent (encumbered) on the basis of the first fee in shall be the
35 first fee out. In other words, the first money placed in a trust fund

1 account shall be the first money taken out of that account when
2 withdrawals have been made in accordance with subparagraph B, above.

3 4. When the money requested is still in the trust fund
4 account and has not been spent (encumbered) by the end of the calendar
5 quarter immediately following six (6) years from the date the fees were
6 paid, the money shall be returned with interest at the rate of six
7 percent (6%) per annum.

8 E. The fees collected pursuant to this ordinance may be
9 returned to the present owner if the land development activity generating
10 traffic is cancelled due to non-commencement of construction before the
11 funds have been committed or spent pursuant to Section ~~VII~~, VIII.
12 Refunds may be made in accordance with Section ~~VIII~~, IX, D.2 and ~~VIII~~,
13 D.3, provided the then present owner petitions the Board of County
14 Commissioners for the refund within three (3) months from the date of
15 non-commencement.

16 SECTION ~~IX~~ X. Exemption and Credits.

17 A. The following shall be exempted from payment of the Fair
18 Share Fee:

19 1. Alterations or expansion of an existing dwelling unit
20 where no additional units are created and the use is not changed.

21 2. The construction of accessory buildings or structures
22 which will not increase the traffic counts associated with the principal
23 building or of the land.

24 3. The replacement of a destroyed or partially destroyed
25 building or structure with a new building or structure of the same size
26 and use.

27 4. The construction of publicly-owned governmental
28 buildings.

29 B. Credits:

30 1. In lieu of paying the Fair Share Fee, a developer may
31 elect to construct part of a major road network system which is in
32 addition to his site related improvements. The developer shall submit
33 the proposed construction which he intends to do along with a certified
34 cost estimate to the County Engineer. The County Engineer shall
35 determine if the proposed construction is an appropriate substitute for

1 the road impact fee and the amount of credit to be given and the
2 time-table for completion.

3 2. Where a proposed major network road runs through a
4 development and where the developer is only required to construct two (2)
5 lanes of the roadway, the developer may elect, upon submission of a
6 certified cost estimate and approval of the County Engineer, to construct
7 more than two (2) lanes and receive credit to the extent of the
8 additional lanes constructed.

9 3. The developer may challenge any determination made by
10 the County Engineer pursuant to subparagraph B.1. and 2. above by filing
11 a petition with the Board of County Commissioners.

12 SECTION X. -- "Sunset" Provision.

13 A. This ordinance shall "sunset" or cease to exist four (4)
14 years from its effective date, unless renewed by an affirmative vote
15 of the Board of County Commissioners.

16 B. In the event that this ordinance is allowed to "sunset"
17 by the Board, any and all funds collected during the life of the
18 ordinance shall continue to be disposed of in the manner set forth in
19 Sections VII and VIII, as if this ordinance were still in effect.

20 SECTION XI. Liberal Construction, Severability and Penalty
21 Provisions.

22 A. The provisions of this ordinance shall be liberally
23 construed to effectively carry out its purposes in the interest of public
24 health, safety, welfare and convenience.

25 B. If any section, phrase, sentence or portion of this
26 ordinance is for any reason held invalid or unconstitutional by any court
27 of competent jurisdiction, such portion shall be deemed a separate,
28 distinct, and independent provision, and such holding shall not affect
29 the validity of the remaining portions thereof.

30 C. Any building permit used for new construction as covered by
31 this ordinance but without payment of the fee as required by this
32 ordinance shall be void.

33 6. D. A violation of this ordinance shall be a misdemeanor
34 punishable according to law; however, in addition to or in lieu of any
35 criminal prosecution Palm Beach County or any individual paying the Fair

1 Share Fee shall have the power to sue in civil court to enforce the
2 provisions of this ordinance.

3 SECTION XII. Inclusions in the Code.

4 The provisions of this ordinance shall become and be made a
5 part of the Code of Laws and Ordinances of Palm Beach County, Florida.
6 The sections of this ordinance may be renumbered or relettered to
7 accomplish such; and the word "ordinance" may be changed to "section",
8 "article", or another appropriate word.

9 SECTION XIII. Repeal of Laws in Conflict

10 All ordinances or parts of ordinances in conflict herewith
11 are hereby repealed.

12 SECTION XIV. Effective Date.

13 The provisions of this ordinance shall become effective on the
14 1st day of May, 1985.

15 APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of
16 Palm Beach County, Florida, on the 23rd day of April, 1985.

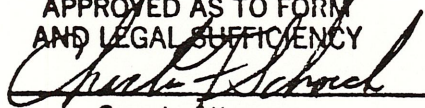
17 PALM BEACH COUNTY, FLORIDA
18 BY ITS BOARD OF COUNTY
19 COMMISSIONERS.

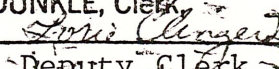
20 
21 CHAIRMAN

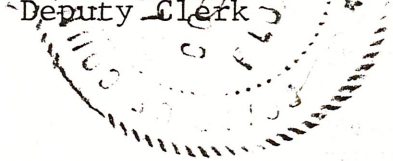
22 Acknowledged by the Department of State, State of Florida, on
23 the 1st day of May, 1985.

24 Acknowledged from the Department of State received on May 6,
25 1985, at 2:29, p.m.

26

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY 
County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio, Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on April 23, 1985,
DATED at West Palm Beach, FL on May 7, 1985
JOHN B. DUNKLE, Clerk
By:  D.C.
Deputy Clerk



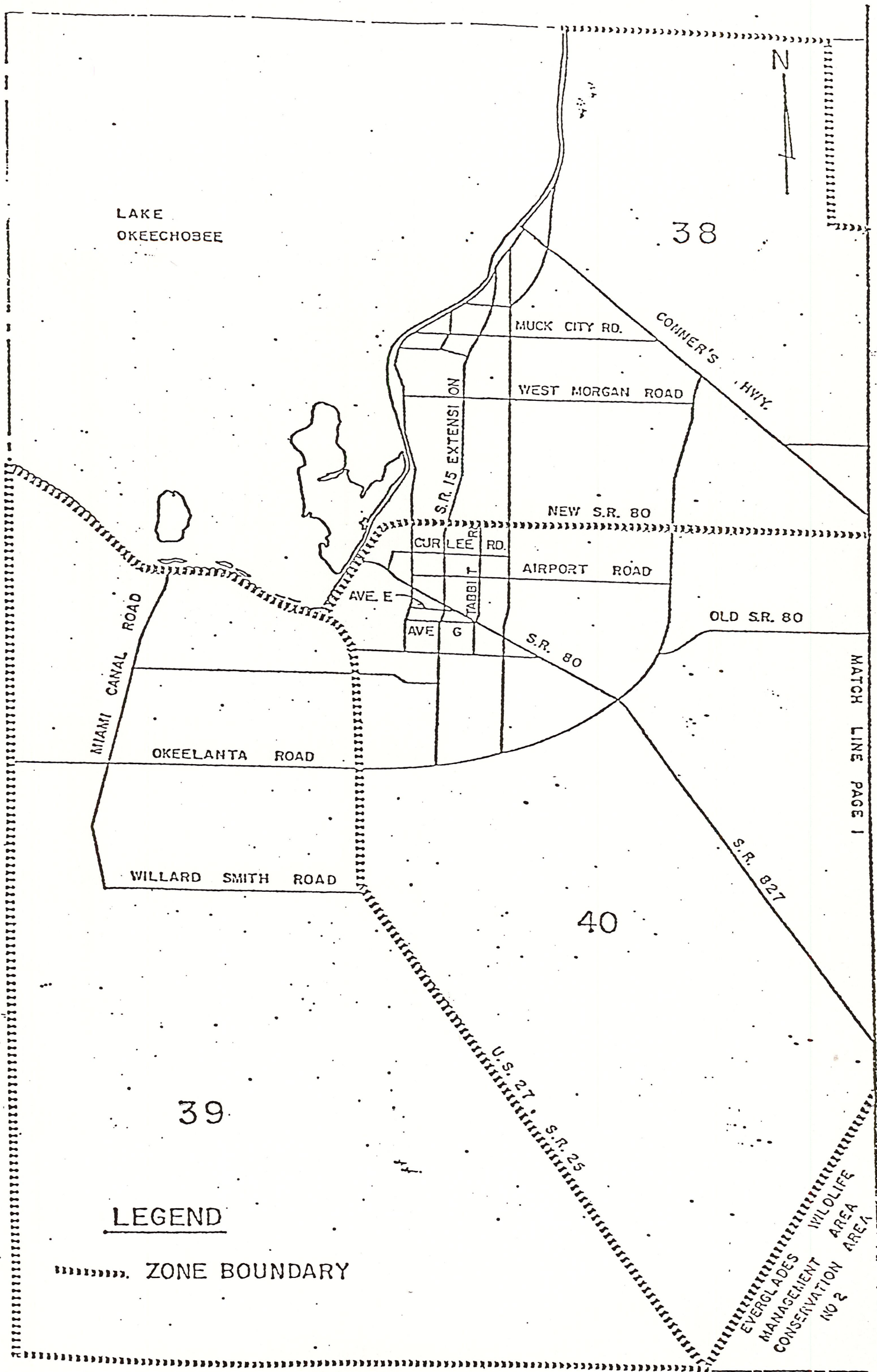


EXHIBIT A

ZONES